

SCOPE OF DIVERSITY

THE EQUAL EMPLOYMENT OPPORTUNITY NEWSLETTER FOR KENTUCKY STATE EMPLOYEES

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Office of Human Resource Planning & Diversity Initiatives

Special Points of Interest:

- *Discrimination in the Workplace*
- *Recruitment Update*
- *Title VII Commentary*



MESSAGE FROM THE EXECUTIVE DIRECTOR

We have arrived on the net!!! On June 13, 2006, our web page went live, and we invite you to surf our web pages. We are located on the Personnel Cabinet's main page and invite each of you to visit and visit often as we will continually provide updates and educational materials concerning equal employment opportunity issues.

Each year the Governor has an annual EEO conference and this year the conference will be held at the Hurstbourne Holiday Inn hotel in Louisville, Kentucky on October 17-19, 2006. We are planning an exciting conference and look forward to seeing you there. In the upcoming years the conference will allow the opportunity for education and provide all participants with needed tools to perform the duties of an EEO administrator, counselor, or coordinator. Whereas, we know that many hold this title in conjunction with other multiple duties, we recognize that the responsibilities of an EEO coordinator are not necessarily ones that have been studied or received extensive training to perform. On day one of the conference, Tuesday October 17th, we will host a training workshop covering

everything you need to know about basic EEO which will be restricted to EEO coordinators only. During these three sessions, the presenter, Carol Dawson, will provide a full day of interactive training. This training will include such topics as: Changes in Demographics and how it will look tomorrow; The Differences and Legal Associations of EEO/ Affirmative Action and Diversity; Interviewing Skills, Framing Issues and the Basis of Allegations; Management Responsibility, Resolution Techniques; Developing Impartial and Appropriate Factual Records, and Resolution Agreements. Ms. Dawson has extensive credentials and will be available to answer your questions concerning EEO execution.

The goal of the workshop is to increase the EEO expertise of the State's Counselors and Coordinators and assist them in resolving complaints as efficiently and effectively as possible. The conference will also continue to emphasize the Commonwealth's goals of diversity and wellness. We are excited about having the presence of King Elementary School, the River City Drum Corp and the Black

Diamond Choir as part of our diversity piece during the hospitality hours. Additionally, we will provide you with an opportunity to stretch or flex some muscles through our exercise classes. These are events you do not want to miss.

The Office of Human Resource Planning and Diversity Initiatives bids farewell to former Cabinet Secretary, Erwin Roberts. We wish him success and wellness in his future endeavors.

Finally, we offer a warm welcome to Secretary Brian Crall as the new Personnel Cabinet Secretary. Our Office looks forward to assisting you in serving the population of the Commonwealth by providing premium services to its employees and applicants.

-Dr. Mary Stoddard, Esq.



Secretary Brian Crall
Personnel Cabinet



Inside this issue:

Recruitment Update	2
EEO Team Reception	2
TITLE VII Commentary	3
EEO and Diversity Online	4
Discrimination in the Workplace	4

SCOPE OF DIVERSITY

THE OFFICE OF HR PLANNING AND DIVERSITY INITIATIVES RECRUITMENT UPDATE

One of the missions of the Office of Human Resource Planning and Diversity Initiatives is recruitment. The objective of recruitment is to promote and obtain a more diverse applicant workforce pool. Our office has been part of some outstanding recruitment events during the past few months. We have collected approximately 220 resumes, from a variety of colleges and universities, including Murray State University, Kentucky State University, the University of Kentucky and many more which we have compiled into a Diversity database. Our office has developed this database in an effort to assist in finding avenues to aid in diversifying the

Commonwealth's workforce. Agencies are able to utilize the information from our diversity database to assist in identifying available applicants. All persons who have submitted resumes are advised to consult the Division of Staffing Services and follow the standard application process and are not promised any special consideration. During our recruitment efforts we have had the opportunity to meet exceptional students and recent graduates who have the potential to make a big difference in the realm of state government.

As we introduce and represent the Commonwealth to different communities, we strive to educate those communities on the opportunities within state government. We also work to develop relationships with the individuals in these communities to promote a positive image of state government. We encourage each agency to take full advantage of the relationships created and use them in their respective recruiting efforts.

Because most of the career fairs coincide with college and university calendars, we are not plan-

ning any recruitment events for the next few months. However, we already have some on our calendar for the next school year. If you know of any recruitment events that you believe would be beneficial to state government, please feel free to contact our office at (502) 573-0321.

COMMONWEALTH'S EEO TEAM RECEPTION

On May 19th, 2006, the Office of Human Resource Planning and Diversity Initiatives hosted a reception for the state's EEO Coordinators. This reception was planned for the purpose of formally forming the Commonwealth's EEO team and introducing the Office of Human Resource Planning and Diversity Initiatives to the existing EEO coordinators. The reception started with an icebreaker, followed by introductions of the staff. Dr. Mary Stoddard, Executive Director and State EEO Coordinator, presented information about Affirmative Action, including: the state goals, agency plans, and agency responsibilities in achieving these goals. Following Dr. Stoddard's presentation, participants engaged in a question and answer session, during which many of the coordinators had the chance to ask about issues or concerns.

Information on team building, and the importance of teams was presented. Due to the necessity of handling is-

suues in a proactive and timely manner, it is required that all coordinators, officers, and counselors work as a team. During this presentation, it was explained that in order to further represent the Commonwealth as a friendly employer, it is important for the state's EEO team to be accessible, responsive and work together. When asked on the evaluation if they felt a part of the state's EEO team, 87.5% responded "yes". The group worked together to create the following EEO team Affirmation: "In my daily work I will maintain integrity and be respectful of others' cultures with a positive attitude, objective and open mind; while effectively communicating and using available resources." To further teambuilding, an interactive lunch was planned allowing participants the opportunity to meet others by playing a "Getting to know you BINGO".

Following lunch, participants were shown video clips about race relations

in America. The scenes were used to show how individuals internalized feelings that can affect the ability to be objective. Discussion followed each scene, allowing participants the opportunity to express their thoughts. The day ended with an additional question and answer session.

The goal of the day was to create an interactive learning experience focused on EEO/Diversity principles and teambuilding. The evaluations showed that approximately 81% of participants rated the overall effectiveness with "good" or "excellent". The Office of Human Resource Planning and Diversity Initiatives is planning to host more learning receptions in the future for EEO Coordinators. Our office believes in the EEO team, and through events like this we can strengthen the team for the betterment of the Commonwealth.

TITLE VII

Commentary on Title VII of the Civil Rights Act of 1964 And The Civil Rights Act of 1991

Title VII

This section has been called the centerpiece of the 1964 Civil Rights Act. This legislation has been referred to by some as a congressional response to the nonviolent Civil Rights Movement of the '50s and '60s. The movement was in many ways Black America's reaction to racial segregation and other inhumane conditions that Black Americans were forced to endure. Employment discrimination was considered by some a basic cause of the social and economic conditions.

The statute prohibits employment discrimination based on race, color, sex, national origin, and religion. Section 704 of the Law makes it unlawful for an employer to retaliate against an employee for exercising rights provided by the statute.

Quiz

1. Employees of the State of Kentucky are protected against discrimination from employment under Title VII?

True / False

2. It is not illegal for a supervisor to reassign or demote a worker because that individual filed a charge, testified in a court or just complained about adverse treatment that is covered by Title VII.

True / False

3. A finding of discrimination under the provisions of Title VII will usually mean that the complainant is entitled to some form of relief. True/False

The Civil Rights Act of 1991

The Civil Rights Act of 1991 was enacted during President George H. W. Bush's administration. Its purpose was:

To amend the Civil Rights act of 1964

To provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace

To codify the concept of the disparate impact theory of discrimination

To respond to decisions of the Supreme Court by expanding the scope of relevant Civil Rights Statutes in order to provide adequate protection for victims of discrimination.

The Act shifted the burden of persuasion to the employer once adverse impact is established under Title VII. The employer must then prove that the challenge policy is "job re-

lated" and consistent with "business necessity". If the employer meets this burden, the employee must show that an alternative practice would serve employer purpose with lesser adverse impact.

In addition, the Act made it possible for victims of intentional discrimination to recover damages. The amended Civil Rights Act of 1991 statute also placed statutory caps on amount of damages that could be awarded.

Quiz

4. Compensatory and Punitive damages may be awarded to victims of intentional discrimination in addition to so-called "make whole" relief.

True / False

EEOC Compliance manual, 915.003. 15-11.

KRS 344.040 Discrimination by employers.

It is unlawful practice for an employer:

(1) To fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of the individual's race, color, religion, national origin, sex, age forty (40) and over, because the person is a qualified individual with a disability, or because the individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

5. To hire or fire an individual because of one's gender is discriminatory.

True/False

6. Age discrimination begins at age 50.

True/False

1. True
2. False
3. True
4. True
5. True
6. False

EEO/ DIVERSITY ONLINE

The Office of Human Resource Planning and Diversity Initiatives is pleased to announce the development of its new website. This site can be accessed via the Personnel Cabinet site (<http://personnel.ky.gov>), and is an avenue to a variety of information on Equal Employment Opportunity and diversity issues. Our website provides information about the services that are offered, including; diversity training and resources, assistance with the EEO complaint process, EEO education and training resources, and other services

that will be beneficial to your agency. Information about our office's programs including Diversity Day and the Governor's EEO Conference are also available.

One of the Office of Human Resource Planning and Diversity Initiatives main objectives is to oversee the state's EEO Laws and Regulations as well as the state's Affirmative Action plan and implementation of the Commonwealth's Diversity Initiatives. The state's EEO policy and Affirmative Action plan are provided as a resource

on the website. If you should have questions about who your agency's EEO Coordinator is, that information is also available.

Among such initiatives are recruitment and resource compilation. Information about our recruiting procedures and our Diversity Resume Bank is also available online. A schedule of recruitment events is accessible as well. This information will be updated regularly.

It is our hope that our website makes it easy for you to

access information. Should you have any difficulty or any questions regarding information found on the site, please feel free to contact our office at (502)573-0321.

DIVERSITY NOTES

Discrimination in the Workplace

We are somewhat familiar with the term discrimination and the relatively negative connotation attached to its use and application. But, do we really know what it means? Are we, as state employees, protected against discrimination? Do we know where to look for assistance?

State employees are included in the protection provided by Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating against any person based on race, color, sex, religion, national origin. The Americans with Disabilities Act prohibits employment discrimination against qualified individuals with disabilities. The Age Discrimination Employment Act prohibits discrimination on the basis of age for employees age 40 and over. The federal agency charged with overseeing anti-discrimination compliance is the EEOC (Equal Employment Opportunity Commission). The EEOC's authority extends to all private

employers, state and local governments, and education institutions that employ 15 or more individuals.

Kentucky under KRS 344.040 makes it unlawful to discriminate against an individual based on race, color, sex, religion, national origin, age forty (40) or a qualified individual with a disability. The Office of Human Resource Planning & Diversity Initiatives monitors compliance of state agencies and acts as a resource for state employees.

According to standards established by federal law, it is illegal to discriminate in any aspect of employment such as:

- hiring and firing;
- compensation, assignment or classification of employees;
- transfer, promotion, lay-off, or recall;
- job advertisements;
- recruitment;
- testing;
- use of facilities;

- training and apprenticeship programs;
- fringe benefits;
- pay retirement plans, and disability leave; or other terms and conditions of employment.

Discrimination, as described above in KRS 344.040, is a crime. By raising the awareness level of employees through education, the publication of policies and responsive reporting, we can become active agents of change.

Agencies may contact the Office of HR Planning and Diversity Initiatives for further information concerning discrimination in the workplace by contacting the State EEO Officer at 801 Teton Trail, Frankfort, KY. 502-573-0321



Anderson Laureate Award Nominations

**Due
August 22, 2006**

*For more information contact the
Office of Human Resource Planning
and Diversity Initiatives. (502)573-0321*